

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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TABERNA CAPITAL MANAGEMENT, LLC, :

Plaintiff, :

08 Civ. 1817 (JSR)

- against - :

SIDNEY B. DUNMORE, MICHAEL A. KANE, :
and DHI DEVELOPMENT f/k/a DUNMORE :
HOMES, LLC, :

**NOTICE OF MOTION FOR
DEFAULT JUDGMENT
AGAINST DEFENDANT
DHI DEVELOPMENT**

Defendants. :

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PLEASE TAKE NOTICE that, upon the declaration of Kenneth G. Roberts, Esq., dated March 5, 2008, the exhibits thereto, the accompanying brief, and the clerk's certificate of default, plaintiff Taberna Capital Management, LLC will move this Court, on April 10, 2008, at 4:00 pm, at the Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York, for an Order, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, entering default judgment against defendant DHI Development f/k/a Dunmore Homes, LLC, and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's direction, any papers in opposition to this motion must be filed and served on or before March 24, 2008, and reply papers shall be served on or before March 31, 2008.

Dated: New York, New York
March 5, 2008

WOLFBLOCK LLP

By: 

Kenneth G. Roberts (kroberts@wolfblock.com)
Attorneys for Plaintiff
250 Park Avenue
New York, New York 10177
Direct Dial: (212) 883-4914

TO: David L. Neale
Beth Ann R. Young
Michelle S. Grimberg
LEVENE, NEALE, BENDER, RANKIN & BRILL L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, California 90067
Attorneys for Defendant Sidney B. Dunmore

Krista J. Dunzweiler
DIEPENBROCK HARRISON
400 Capitol Mall, Suite 1800
Sacramento, California 95814
Attorneys for Defendant Michael A. Kane

DHI Development f/k/a
Dunmore Homes, LLC
8781 Sierra College Boulevard
Granite Bay, California 95746

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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TABERNA CAPITAL MANAGEMENT, LLC, :

Plaintiff, :

08 Civ. 1817 (JSR)

- against - :

CLERK'S CERTIFICATE

SIDNEY B. DUNMORE, MICHAEL A. KANE, :
and DHI DEVELOPMENT f/k/a DUNMORE :
HOMES, LLC, :

Defendants. :

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I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on January 17, 2008 in the Supreme Court of New York, County of New York with the filing of a summons and complaint, that this action was removed to this Court on February 21, 2008, that a copy of the summons and complaint was served on defendant DHI Development f/k/a Dunmore Homes, LLC by serving Pam McMann, authorized agent at DHI's place of business, 8781 Sierra College Boulevard, Granite Bay, California, that proof of such service thereof was filed prior to removal in the Supreme Court of New York on February 8, 2008, and proof of such service is attached as Exhibit B to the Declaration of Kenneth G. Roberts dated March 4, 2008, filed herein.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: March 7, 2008
New York, New York

J. MICHAEL MCMAHON
Clerk of the Court

By:

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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TABERNA CAPITAL MANAGEMENT, LLC,	:
	:
Plaintiff,	:
	:
- against -	:
	:
SIDNEY B. DUNMORE, MICHAEL A. KANE,	:
and DHI DEVELOPMENT f/k/a DUNMORE	:
HOMES, LLC,	:
	:
Defendants.	:
-----X	

Plaintiff Taberna Capital Management, LLC, having moved for default judgment against defendant DHI Development f/k/a Dunmore Homes, LLC ("DHI") for the relief requested in the complaint, and DHI having failed to appear, it is hereby

ORDERED AND ADJUDGED that plaintiff Taberna Capital Management, LLC's motion for default judgment against defendant DHI is granted, and that judgment is entered in favor of plaintiff and against defendant DHI in the amount of \$21,335,222.36, plus interest from January 17, 2008 in the amount of \$_____, for a total of \$_____.

United States District Judge

CERTIFICATE OF SERVICE

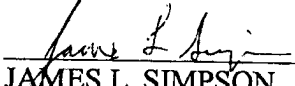
I hereby certify that on March 5, 2005, I caused one true copy of plaintiff's Notice of Motion For Default Judgment Against Defendant DHI Development, supporting brief, Declaration of Kenneth G. Roberts, Statement of Damages, proposed clerk's certificate, and proposed form of judgment to be served upon the following counsel via email and first class mail:

David L. Neale
Beth Ann R. Young
Michelle S. Grimberg
LEVENE, NEALE, BENDER, RANKIN & BRILL L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, California 90067
Attorneys for Defendant Sidney B. Dunmore

Krista J. Dunzweiler
DIEPENBROCK HARRISON
400 Capitol Mall, Suite 1800
Sacramento, California 95814
Attorneys for Defendant Michael A. Kane

and upon the following non-appearing defendant via first class mail to the following address, where process in this action was previously served:

DHI Development f/k/a
Dunmore Homes, LLC
8781 Sierra College Boulevard
Granite Bay, California 95746


JAMES L. SIMPSON